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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/622,602

07/17/2003

Jack G. Love

LOV-001

4301

7590

10/20/2004

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EXAMINER

ALAVI, ALI

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,602

Applicant(s)

LOVE, JACK G.

Examiner

Ali Alavi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 15 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallin (US Pat. No 3,077,693) or Johnson (US Pat. No 4,800,667).

Wallin discloses a fishing net and flashlight combination, comprising: a tubular handle (8, fig. 1), an annular ring (39) attached to an end of the tubular handle, the ring having a netting material (40) attached thereto, and a flashlight (10, lighthouse) attached to the tubular handle and positioned to direct a light beam toward the ring to facilitate landing fish in low light conditions (fig. 1).

Johnson discloses a fishing net and flashlight combination, comprising: a tubular handle (20, fig. 1), an annular ring (31) attached to an end of the tubular handle, the ring having a netting material (30) attached thereto, and a flashlight (light assembly 23, col. 2, lines 34-41) attached to the tubular handle and positioned to direct a light beam toward the ring to facilitate landing fish in low light conditions (see fig. 1).

Claims 1 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Poole (US Pat. No 3,364,610).

Regarding claim 1, Poole discloses a fishing net and flashlight combination, comprising: a tubular handle (85, fig. 4), an annular ring (not numbered) attached to an

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end of the tubular handle, the ring having a netting material (not numbered, fig. 4) attached thereto, and a flashlight (10, fig. 4) attached to the tubular handle and positioned to direct a light beam toward the ring to facilitate landing fish in low light conditions.

Regarding claim 18, Poole discloses a fishing net for use at night, comprising: a tubular handle (85, fig. 4) having a first end and a second end (fig. 4) an annular ring attached to the first end of the tubular handle, the ring having a netting material attached thereto, a flashlight (10, fig. 4) removably attached to the tubular handle between the first and second ends of the handle, the flashlight being positioned to direct a light beam toward the first end of the handle to facilitate use of the fishing net in low light conditions.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poole (US Pat. No 3,364,610) in view of Reynolds (US Pat. No 1,268,622).

Regarding claims 2-4, Poole discloses the claimed invention as applied above in claim 1 and further discloses in another embodiment shown in figure 1 that the flashlight

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is attached to the fishing net by a flashlight holder (61, fig. 1), and wherein the flashlight holder comprises a first resilient clamp assembly that clamps (65, clamp, col. 3, line 4) over the tubular handle of the fishing net, and a structure for securing the flashlight to the flashlight holder (fig. 1).

Regarding to claims 5-14, Poole discloses the claimed invention as applied above but does not show a second resilient clamp assembly. However, Reynolds discloses a flashlight holder including a first and second resilient clamps in which the first clamp supported by the user's hand and the second resilient clamp is securing the flashlight. Reynolds teaches that the holding means is adapted to be instantly applied to the arm of the user and to readily and detachably receive the flashlight in a manner to permit the latter to be turned through any desired angle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the flashlight support of the Poole by utilizing the light holder of the Reynolds because it would be easier to attach and detach the flashlight from the support.

Allowable Subject Matter

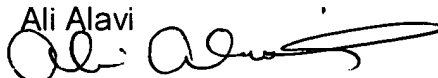
3. Claims 15 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 15 and 20 are objected to because in part recites "...a notch formed in each of the opposing side sections, and a safety strap extending through the notches and around the tubular handle to ensure the flashlight holder does not become detached inadvertently from the tubular handle."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Von Feldt (US Pat. No 4,390,927) discloses a flashlight holder including first and second resilient clamps (18, 19, fig. 2). Evans (US Pat. No 5,335,149) discloses a method and apparatus for holding a light on a boat or fishing net (col. 1, lines 18-27). Otto (US Pat. No 1,321,842) discloses a support for a fishing rod (fig. 1). Lane (US Pat. No 5,181,774) discloses a flashlight bracket. All aforementioned references are cited of interest.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Ali Alavi whose telephone number is (571) 272-2365. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax** at (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-2956.

Ali Alavi

Patent Examiner